APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,734	01/29/2001	Narayanan Ganapathy	MS155740.1	1188

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EXAMINER
HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/771,734	GANAPATHY, NARAYANAN
Office Action Summary	Examiner	Art Unit	
	Brandon S. Hoffman	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*27 September 2005*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-34*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*1-34*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-34 are pending in this office action.

2.   In view of the appeal brief filed on September 27, 2005, PROSECUTION IS

HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

Rejections

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Double Patenting

4.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

5.   Claims 1-34 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-35 of

copending Application No. 09/772231. Although the conflicting claims are not identical,

they are not patentably distinct from each other because the instant application uses a

key value, wherein a first process is allowed to send communication to a second

process only if the association exists and the key value is proper. The copending

application claims a queue (or storage device) that is associated with a communication

context, wherein the association is controlled by a privileged operation, and where a first

process is allowed to send communication to a second process only if the association

between the queue and the communication context exists.

6.   This is a <u>provisional</u> obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

8.   <u>Claims 1-27 and 30-34</u> are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

The term "substantially" in claims 1, 12, 21, 25, 30, and 34 is a relative term

which renders the claim indefinite. The term "substantially" is not defined by the claim,

the specification does not provide a standard for ascertaining the requisite degree, and

one of ordinary skill in the art would not be reasonably apprised of the scope of the

invention.

Claims 2-11, 13-20, 22-24, 26, 27, and 31-33 are dependent upon claims 1, 12,

21, 25, 30, and 34, and therefore inherit its deficiencies.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10.   Claims 1, 2, 5-15, and 20-34 are rejected under 35 U.S.C. 102(e) as being

anticipated by Tucker et al. (U.S. Patent No. 5,808,911).

Regarding claim 1, Tucker et al. teaches a system to facilitate substantially

secure communication, comprising:

- A communication component operative to store an outgoing message received

  directly from an associated process, the outgoing message including a message

  key having a key value, an attribute being associated with the communication

  component, the attribute having selectable attribute conditions that are

  inaccessible by the associated process (fig. 1, ref. num 120 and 122 within

  domain 106 and col. 3, lines 54 through col. 4, lines 9); and

- A filter associated with the communication component, the filter controlling

  sending the stored outgoing message from the communication component based

  on the key value of the outgoing message and one of the attribute conditions (fig.

  1, ref. num 122 and col. 4, lines 46-55).

Regarding claim 2, Tucker et al. teaches wherein the communication component

further comprises at least one storage device operative to store messages (fig. 2, ref.

num 160).

Regarding claim 5, Tucker et al. teaches wherein the message key corresponds to a key associated with another communication component that is associated with a desired destination (fig. 1, ref. num 120 and 122 within domain 108).

Regarding claim 6, Tucker et al. teaches wherein the message key is a multi-bit field for storing data identifying a key associated with a destination communication component (fig. 1, ref. num 122).

Regarding claim 7, Tucker et al. teaches wherein the filter is operative to prevent sending the outgoing message from the communication component upon detecting an invalid message key in the outgoing message (fig. 1, domain 1 is different from domain 2, each having their own Xdoor 128).

Regarding claim 8, Tucker et al. teaches wherein key data having a range of at least one key value is associated with the communication component, the key data being inaccessible by the associated process, the filter controlling transmission of the outgoing message based on the validation of the message key as a function of one of the attribute conditions and the range of at least one key value (fig. 1, ref. num 126 of domain 108, more than one FD belongs in the domain, and col. 2, lines 30-47).

Regarding claim 9, Tucker et al. teaches wherein the filter employs the attribute to define a valid range of at least one key value based on the at least one key value

associated with the communication component, such that the filter provides different

control in connection with a message having a message key within the valid range and

a message having a message key outside the valid range (col. 2, lines 30-47 and col. 3,

lines 54-65).

Regarding claim 10, Tucker et al. teaches wherein the key data identifies a

plurality of key values (fig. 1, multiple FD's point to one object).

Regarding claim 11, Tucker et al. teaches wherein the filter is operative to permit

whether a message having a message key in the valid range is sent from the

communication component (fig. 1, ref. num 126 of domain 108, more than one FD

belongs in the domain, and col. 2, lines 30-47).

Regarding claim 12, Tucker et al. teaches a system to facilitate substantially

secure communication between at least two processes, comprising:

- A first queue operative to store a request received directly from a first of the at

  least two processes and, upon validation of the stored request, to send the

  stored request to a second of the at least two processes, the stored request

  including a destination address and a key having a key value (fig. 1, ref. num 122

  and col. 4, lines 46-55 and fig. 1, ref. num 102A and 102B); and

- An interface operative to validate the stored request based on the key value of

  the stored request relative to at least one predetermined key value associated

with the first queue, the at least one key value associated with the first queue being unavailable to the first process (fig. 1, ref. num 120 and 122 within domain 106 and col. 3, lines 54 through col. 4, lines 9).

Regarding claim 13, Tucker et al. teaches further comprising an attribute associated with the first queue, the attribute defining a valid range of key values based on the at least one key value associated with the first queue to control sending stored requests from the first queue (col. 3, line 66 through col. 4, line 9).

Regarding claim 14, Tucker et al. teaches wherein the attribute has selectable attribute conditions that are unavailable to the first process and the valid range of message keys varies as a function of the attribute conditions and the at least one key value associated with the first queue (col. 3, line 66 through col. 4, line 9).

Regarding claim 15, Tucker et al. teaches wherein the at least one key value associated with the first queue further comprises a plurality of key values associated with the first queue and unavailable to the first process (fig. 1, multiple FD's point to one object).

Regarding claim 20, Tucker et al. teaches wherein the interface is operative to prevent sending the request from the first queue if the request includes an invalid key (col. 3, lines 54-65).

Regarding <u>claims 21, 28, and 34</u>, <u>Tucker et al.</u> teaches a system/method/ computer readable medium to facilitate substantially secure communication between at least two user-level processes, comprising:

- Storage means for storing an outgoing message received from a first of the at least two processes, the outgoing message including a message key associated with a destination, an attribute being associated with the storage means, the attribute having selectable attribute conditions unavailable to user-level processes (fig. 1, ref. num 120 and 122 within domain 106 and col. 3, lines 54 through col. 4, lines 9); and

- Control means for controlling sending of the stored outgoing message from the storage means based on the message key and one of the attribute conditions (fig. 1, ref. num 122 and col. 4, lines 46-55).

Regarding <u>claim 22</u>, <u>Tucker et al.</u> teaches further comprising validation data associated with the storage means and unavailable to user-level processes, the control means controlling sending of the outgoing message based on the validation of the message key as a function of the attribute and validation data (col. 3, line 66 through col. 4, line 9).

Regarding <u>claim 23</u>, <u>Tucker et al.</u> teaches wherein the validation data comprises at least one key value (fig. 1, multiple FD's point to one object).

Regarding claim 24, Tucker et al. teaches wherein control means is operative to
control whether the stored message can be sent from the storage means based on the
message key relative to a valid range of key values, which varies as a function of one of
the attribute conditions and the validation data (fig. 1, domain 1 is different from domain
2, each having their own Xdoor 128 and col. 2, lines 30-47).

Regarding claims 25 and 29, Tucker et al. teaches a system/computer readable
medium to facilitate substantially secure communication between at least two user-level
processes, comprising:

- Storage means for storing a request received directly from a first of the at least
  two processes and, upon validation of the stored request, for sending the stored
  request to a second of the at least two processes, the stored request including a
  key having a key value (fig. 2, ref. num 160 and fig. 3A, ref. num 174 to fig. 3B,
  ref. num 174 and col. 8, lines 22-47); and

- Validation means for validating the stored request based on the key value of the
  stored request relative to at least one predetermined key value associated with
  the storage means, the at least one key value associated with the storage means
  being unavailable to user-level processes (col. 3, line 66 through col. 4, line 9
  and fig. 2, ref. num 154).

Regarding claim 26, Tucker et al. teaches further comprising an attribute
associated with the storage means, the attribute defining a valid range of key values

based on the at least one key value associated with the storage means, the validation

means controlling sending stored requests from the storage means according to the

valid range of key values (col. 3, line 66 through col. 4, line 9).

Regarding claim 27, Tucker et al. teaches wherein the attribute has selectable

attribute conditions that are not available to user-level processes, the valid range of key

values varying as a function of the attribute conditions and the at least one key value

associated with the storage means (col. 3, line 66 through col. 4, line 9).

Regarding claim 30, Tucker et al. teaches a method to facilitate substantially

secure communication from a first user-level process in a system in which the first

process is operable to communicate directly with hardware, comprising:

- Storing an outgoing message received directly from the first process in an

  associated storage device, the outgoing message including a message key

  having a key value (fig. 2, ref. num 122 and 160); and

- Controlling sending of the stored message to a second process based on the

  value of the message key relative to a predetermined at least one key value

  associated with the storage device, the at least one key value associated with the

  storage device being unavailable to the first process (fig. 3A, ref. num 174 to fig.

  3B, ref. num 174 and col. 8, lines 22-47).

Regarding claim 31, Tucker et al. teaches further comprising associating an attribute with the storage device that is operable to define a valid range of key values based on the at least one key value associated with the storage device, and controlling sending of the stored message from the storage device based on the message key thereof and the defined valid range of key values (col. 3, line 66 through col. 4, line 9).

Regarding claim 32, Tucker et al. teaches wherein the attribute has selectable attribute conditions not available to the first process, the valid range of key values varying as a function of the attribute conditions and the at least one key value associated with the storage device (col. 3, line 66 through col. 4, line 9).

Regarding claim 33, Tucker et al. teaches further comprising validating the message key relative to the at least one key value associated with the storage device, and, upon detecting an invalid message key, preventing the stored message from being sent from the storage device (col. 3, lines 54-65).

Claim Rejections - 35 USC § 103

11.   Claims 3, 4, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tucker et al. (USPN '911) in view of Neal et al. (U.S. Patent No. 6,766,467).

Regarding claim 3, Tucker et al. teaches all the limitations of claims 1 and 2, above. However, Tucker et al. does not teach wherein the at least one storage device

further comprises at least one queue operative to store messages being sent by the

associated process.

Neal et al. teaches wherein the at least one storage device further comprises at

least one queue operative to store messages being sent by the associated process (fig.

6, ref. num 620).

It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine the storage device containing at least one queue to

store outgoing messages, as taught by Neal et al., with the system of Tucker et al. It

would have been obvious for such modifications because storage allows multiple

messages to be prepared for sending.

Regarding claim 4, the combination of Tucker et al. in view of Neal et al. teaches

wherein the at least one queue further comprises at least two queues, one of the at

least two queues being operative to store messages being sent by the associated

process and another of the at least two queues being operative to store messages

being sent to the associated process (see fig. 6, ref. num 624 and 626 of Neal et al.).

Regarding claim 16, Tucker et al. teaches all the limitations of claims 12-14,

above. However, Tucker et al. does not teach wherein the attribute is set to have one of

at least a first condition and a second condition.

Neal et al. teaches wherein the attribute is set to have one of at least a first

condition and a second condition (col. 9, line 45 through col. 10, line 34).

It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine an attribute with at least two conditions, as taught by

Neal et al., with the system of Tucker et al. It would have been obvious for such

modifications because the two conditions provide a selection of either working or not

working.

Regarding claims 17 and 19, the combination of Tucker et al. in view of Neal et

al. teaches wherein the interface is operative to prevent the stored request from being

sent from the first queue if the attribute has the [first/second] condition and the key has

a value that agrees with the at least one key value associated with the first queue (see

col. 3, lines 54-65 of Tucker et al.).

Regarding claim 18, the combination of Tucker et al. in view of Neal et al.

teaches wherein the interface is operative to permit the stored request from being sent

from the first queue if the attribute has the first condition and the key has a value that

disagrees with the at least one key value associated with the first queue (see col. 2,

lines 30-47 of Tucker et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon S. Hoffman whose telephone number is 571-272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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